

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TUESDAY WOO,

Plaintiff,

No. C 09-05653 JSW

v.

BANKS AND BANKING,

Defendant.

**ORDER DISMISSING CASE AND
DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITH LEAVE TO AMEND**

On December 1, 2009, Plaintiff Tuesday Woo filed a complaint and an application to proceed *in forma pauperis*. Courts must deny *in forma pauperis* applications under certain circumstances, including when the allegation of poverty is untrue or the underlying complaint sought to be filed is frivolous or when it fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2).

The Court finds Plaintiff's affidavit establishes poverty. However, in contravention of Federal Rule of Civil Procedure 8(a), Plaintiff has failed to file a pleading setting forth the grounds upon which this Court has jurisdiction, "a short and plain statement of the claim showing that the pleader is entitled to relief, ... and a demand for judgment for the relief the pleader seeks." Plaintiff's complaint is disjointed to the point of being incoherent and unintelligible. It is not possible to discern from her complaint: (1) the underlying factual basis for her suit; (2) the legal theories under which she seeks relief; or (3) what relief she is requesting. The Court cannot discern the basis of the complaint or the claim for jurisdiction.

1 Plaintiff may not, as she attempts, file a case “against the entire banking industry” as
2 well as the “totality of the activity on the part of hotels booked for reservations.” (Complaint at
3 1.) Plaintiff must allege a complaint against specific banks or corporate entities and, in order to
4 state a claim, she must allege the underlying factual basis for her suit, the legal theories under
5 which she seeks relief, what relief she is requesting and on what basis this Court has jurisdiction
6 to adjudicate her potential claim.

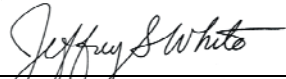
7 For these reasons, Plaintiff’s application to proceed *in forma pauperis* is HEREBY
8 DENIED WITHOUT PREJUDICE and the Complaint is DISMISSED WITH LEAVE TO
9 AMEND. If Plaintiff wishes to pursue this action, she must file an amended complaint setting
10 forth a cognizable legal claim by **December 28, 2009**. Failure to file a cognizable legal claim
11 by this date shall result in **dismissal** of this action. Plaintiff need not refile an application to
12 proceed *in forma pauperis* unless her financial circumstances change.

13 The Court advises Plaintiff that a Handbook for Pro Se Litigants, which contains helpful
14 information about proceeding without an attorney, is available through the Court’s website or in
15 the Clerk’s office.

16 In addition, without making any endorsement in this regard, Plaintiff is advised that the
17 San Francisco Bar Association operates a lawyer referral service which may be helpful in
18 securing pro bono counsel. Moreover, Plaintiff may wish to seek assistance from the Legal
19 Help Center, located on the 15th Floor of the Courthouse, Room 2796, where Plaintiff may sign
20 up for a free appointment with an attorney who may be able to provide basic legal help, but not
21 legal representation.

22 **IT IS SO ORDERED.**

23
24 Dated: December 7, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TUESDAY WOO,

Plaintiff,

v.

BANKS AND BANKING et al,

Defendant.

Case Number: CV09-05653 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 7, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Tuesday Woo
P.O. Box 422205
San Francisco, CA 94142-2205

Dated: December 7, 2009


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk